

## **June 15, 2009 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, June 15, 2009 at 7:00 P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice Chairman Richard Cambra**

**Councillor Frank A. Bozyan**

**Councillor M. Theresa Santos**

**Councillor Edward J. Silveira, Jr.**

**Councillor Barbara A. VonVillas, Members Present**

**Councillor Robert J. Sylvia, Absent**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

**Councillor Silveira recused himself from acting on the following item of business, due to a possible conflict of interest.**

### **1. (Public Hearing Advertised)**

**Application of Lacey, Inc. dba Easton's Point Pub Restaurant holder of a Retailers Class BV Alcoholic Beverage License for premises located at 116 Aquidneck Avenue, Middletown to expand the area of service of said license to include a 310.36 sq. ft. deck located on the west side of the existing building.**

**Public Hearing was declared open.**

**There being no persons present desiring to be heard, public hearing was declared closed.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license expansion.**

## **CONSENT CALENDAR**

**Councillor Santos requested the item #12, be heard under the Town Council portion of the docket.**

### **1. Approval of Minutes – Special Meeting, June 1, 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.**

### **2. Approval of Minutes – Regular Meeting, June 1, 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.**

**3. Communication of Jeffrey P. Lynch, Chief of Department, Portsmouth Fire Department, re: Appreciation of assistance.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**4. Communication of Rebecca Cunha, Middletown High School Senior, re: Appreciation of support.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**5. Communication of Attorney Marc DeSisto, re: Kempen v. Town of Middletown, et al. C.A. No. 08-0577.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**6. Memorandum of State of Rhode Island, Historical Preservation & Heritage Commission, with enclosures, re: National Register of Historic Places listing.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**7. Communication of Town Administrator, with enclosures, re: Tax Collector's Report for period ending May 31, 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and report.**

**8. Communication of Town Administrator, with enclosures, re: Financial Statements for period ending April 30, 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and statements.**

**9. Notice of Public Hearings three (3) from the Zoning Board of Review, 1) Petition of Middletown Public Schools, 26 Oliphant Lane, for a Special Use Permit from Article 12, Table 12-3, to allow a 32 sq. ft. entry sign where 16 sq. ft. is allowed on real estate located at 130 Valley Road, TAP 113, Lot 114 2) Petition of Middletown Public Schools, 26 Oliphant Lane, for a Variance from Section 1208A, to allow a sign for Middletown High School to be located off premises, five feet (5') from the edge of pavement on Valley Road, on real estate located at 130 Valley Road, TAP 113, Lot 114 3) Petition of Paul and Linda Nunes, 263 Wyatt Road, for a Variance from Section 603, 701 &**

**803G, to construct a 27'6" x 21' two story addition with a front yard setback of 28' where 40' is required, on real estate located at 263 Wyatt Road, TAP 119, Lot 31.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said notices.**

**10. Communication of Evan Smith, Ed Silveira, Rocky Kempenaar, Len Panaggio, representatives of the Newport Convention & Visitor's Bureau, re: Update on support of legislative action to expand the geographic responsibility of the NCCVB.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**11. Resolution of the Council, re: Supporting the consolidation of the Newport County Convention and Visitor's Bureau with the East Bay Tourism Council.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**12. Town Council Schedule:**

- a. First Public Hearing on the Budget, June 17, 2009, 6:00 PM**
- b. Second Public Hearing on the Budget, June 22, 2009, 6:00 PM**
- c. Adoption of the Budget, June 29, 2009, 6:00 PM**
- d. July meeting, July 6, 2009**
- e. August meeting, August 3, 2009**

**Councillor Santos questioned if a meeting was scheduled to review the budget before adoption on June 29, 2009.**



**Town Administrator Shawn Brown, responding to Councillor Santos, noted that a meeting for review has not been scheduled.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said schedule.**

## **TOWN COUNCIL**

- 1. Resolution of the Council, re: Commendation for Kristen Lyon.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was read and presented by Council President Semonelli to Dana Ramey on behalf of Kristen Lyon, she was unable to attend the meeting.**

- 2. Resolution of the Council, re: Commendation for Dana Ramey.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was represented by Council President Semonelli to Dana Ramey.**

**Mr. Ramey addressed the Council thanking the Council for the recognition.**

**Councillor Santos recused herself from acting on the following three items of business #3, #4 and #5, due to a possible conflict of interest.**

**3. Memorandum of Town Administrator, with enclosures, re: Contract Award for Exterior Renovations – Witherbee School, Town Hall and Senior Center.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted**

**unanimously to receive said memorandum.**

**The proposal and summary of bids line item detail is on file in the Office of the Town Clerk.**

**4. Resolution of the Council, re: Award of contract for Exterior Renovations – Witherbee School, Town Hall and Senior Center.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**Councillor Silveira recused himself from acting on the following item of business, due to possible conflict of interest.**

**5. Communication of Lou & Denise D'Amico d/b/a Lou's Hot Dogs, 77 Briarwood Avenue, re: Request to amend Hawker's License to**

**include the corners of Valley Road & Green End Avenue and Special Events by invitation for the 2009-2010 licensing year.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and grant said license amendment.**

**6. Communication of Stas Birutis, President, Bikes & Kites, Inc., Middletown, re: Request for Cross Walk to service busy area.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and refer said matter to the Police department for recommendation.**

**7. Memorandum of Town Administrator, with enclosures, re: No Parking Signs Miantonomi Avenue at Fenner Avenue.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**8. An Ordinance of the Town of Middletown (First Reading)**

**An ordinance in amendment to the Town Code of the Town of Middletown, TITLE VII, the Traffic Code. (Fenner Avenue – No Parking on Roadway)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

**9. Resolution of the Council, re: Moratorium on Wind Turbines.**

**Tim Hetland, 32 Loring Street, addressed the Council expressing concern that the resolution, if passed, would have a negative impact on his business. Mr. Hetland sells and installs wind turbines.**

**Vice Chairman Cambra noted that the Planning Board will be meeting June 25th and July 8th on wind turbines and expects that the Council will receive recommendation by the Planning Board to be ordered advertised at the Council's August 3, 2009 regular meeting.**

**Town Planner Ron Wolanski noted that comments will be heard by the Planning board on the June 25th and July 8th the meetings and anticipates the public hearings for the Wind Turbine ordinance will be heard in September 2009.**

**Discussion centered around the process to install a wind turbine, if wind turbine business is year round and wind turbine size.**

**Vice Chairman Cambra explained that there is a need for an ordinance to be in place to regulate the construction of wind turbines.**

**Councillor Silveira noted that he is not against wind turbines, however expressed the need for an ordinance to be in place.**

**Councillor Santos expressed concern that the passage of the resolution placing a moratorium on wind turbines could affect Mr. Hetland's business.**

**Manny Mello, Beacon Terrace North addressed the Council noting that he is not against wind turbines, but is concerned with wind turbines being placed in residential areas for safety reasons.**

**Councillor VonVillas noted her support for the resolution.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted to pass said resolution; Council President Semonelli, Vice Chairman Cambra, Councillor Bozyan, Councillor Silveira and Councillor VonVillas voted YES; Councillor Santos voted NO to said motion.**

**10. Memorandum of Councillor Silveira, re: Gaudet Field agreement with Salve Regina University.**

**Councillor Silveira noted that it is a wonderful opportunity for the Town to work with Salve. Mr. Silveira requests information to be communicated with residents concerning traffic and events.**

**Director of Facilities Edward Collins, representing the Middletown School Department noted that the entire Gaudet complex has been built with the help of community groups. Mr. Collins explained that Salve will renovate the Gaudet School field, use the area approximately six times for home games yearly, Salve has a forty year lease with the School Department and the field will be used by community groups.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**



**11. Communication of Lucy Levada, 233 Meadow Lane, re: Resignation from the Personnel Board.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication with regret.**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**No one addressed the Council at this session.**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (2) collective bargaining (Fire, Public Works and Town Hall) and (5) lease (Mitchell's Lane – Plat 123, Lot 700), lease (East Main Road – Plat 118, Lot 31).**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 7:45 P.M. and reconvene in executive session.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 8:21 P.M.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve the Mitchell's Lane lease agreement.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:22 P.M.**

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**Wendy J.W. Marshall, CMC**

**Council Clerk**

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